

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Friends University Casado Center
President's Dining Room
Wichita, Kansas, May 25, 2004
Tuesday, 9:36 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

CONSENT AGENDA

Mayor Mayans Mayor Mayans asked if any of the consent items needed to be pulled for discussion.

Council Member Lambke Council Member Lambke requested that Item 5 be pulled.

Motion-- Mayans moved that the Consent Agenda, except Item 5, be approved as presented. Motion carried
--carried 7 to 0.

DATABASE

DATABASE SUBSCRIPTION RENEWAL.

Agenda Report No. 04-0532

The Wichita Public Library uses a variety of electronic resources to subsidize its printed materials collection in order to provide information service to the community. Some products are provided through statewide agreements negotiated by the Kansas State Library. Others are subscriptions negotiated specifically for the Wichita Public Library and its customers.

Analysis: A large amount of the service delivered by the Central Library's Business & Technology Section relates to information about companies, their products and services. For several years, staff relied upon printed directories and CD-ROM databases for access to this information. More recently, products have been made available through the Internet. Subscribing to these Internet-based tools allows for more accurate information as products can be updated more frequently. Multiple users can have simultaneous access to information unlike the earlier formats where access was limited to one user at a time. The most heavily used of these products are the Reference USA database that contains detailed information on more than 12 million U.S. businesses and directory information for 102 million U.S. residents and the American Business Disc which lists corporate and standard industrial code information for more than 8 million American businesses.

An annual subscription renewal for the Reference USA database and the American Business Disc has been offered to the Library at a fee of \$14,149. The subscription is included in the department's 2004 general fund materials budget and was approved for renewal by the Library Board of Directors during their May 18, 2004 meeting.

The license has been reviewed and approved by Law Department staff.

Motion-- Mayans moved that the subscription renewal be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

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HOMELAND SECUR. 2003 STATE HOMELAND SECURITY GRANT.

Agenda Report No. 04-0533

The U.S. Department of Homeland Security is providing financial assistance directly to each of the nation's states through the FY 2003 State Homeland Security Grant Program. Localities may use their equipment allocations to purchase equipment designed to protect critical infrastructure from terrorist attacks, equipment to prevent terrorist incidents, and first responder equipment that would be used in response to a terrorist threat or incident.

The State of Kansas allocation under the 2003 State Homeland Security Grant Program is \$22,021,000. The State of Kansas makes grant awards to counties. Sedgwick County received \$1,021,655. This amount is shared between all local government jurisdictions.

The City of Wichita will receive approximately \$663,000 for the purchase of first responder equipment. Grant funds are to be used to purchase first responder equipment that will assist the City in meeting its basic defensive capabilities to respond to terrorist incidents and weapons of mass destruction involving the use of chemical, biological and radiological weapons and explosive devices. The grant was developed in consultation with public safety officials including City and County Fire Departments, City and County law enforcement, Emergency Medical Services, Emergency Management and hazardous materials response (HazMat) teams. The City of Wichita will purchase backup systems for critical City computer systems, security systems for City Hall and the City Hall tunnel, equipment for Environmental Health detection, equipment for the Bomb squad and SWAT Teams as well as Automated External Defibrillators for first responders.

The total grant is approximately \$663,000. The grant does not require matching funds and no local funds are required. The grant does not come in the form of cash. The grant only permits the City to purchase approved first responder equipment through a single State of Kansas mandated equipment supplier.

The City must execute a grant Special Conditions (Assurances) document for the grant. This document will be signed by the City Manager.

Motion--

Mayans moved that the report be received and filed. Motion carried 7 to 0.

37TH ST./BROADWAY 37TH STREET AND BROADWAY WATER MAIN EXTENSION. (DISTRICT III)

Agenda Report No. 04-0534

The Kansas Department of Health and Environment (KDHE) has identified a groundwater contamination plume that originated from two dry cleaners located at 1110 W. 31st St. So. and 3220 S. Seneca. The contamination plume was created by tetrachloroethene (PCE) and extends over one mile southeast from the location of the dry cleaners. The plume extends east of the intersection of 37th Street South and Broadway into an area where numerous residences use private wells for drinking water.

A recent analysis of groundwater in the area of 37th and Broadway indicates that the PCE concentration is still below drinking water standards, but KDHE is concerned that the drinking water standards may be exceeded. Residences have been placed on bottled water until the City can extend the public water system to their neighborhood and the residents can be connected.

To address the water quality concerns caused by this plume, the Water and Sewer Department proposes the following:

1. Extend a water main from 37th and Broadway into the project area
2. Connect each residence to the main
3. Convert all private wells to outdoor use for lawn and garden purposes
4. Add a pressure relief valve in each residence to reduce potential indoor plumbing problems
5. Install fire hydrants to flush the lines and provide fire protection

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Estimated cost for the project is \$275,000. The Department will utilize funds from W-65 (Mains for Future Development) to install the new system. KDHE will reimburse the City for costs of the project through the Kansas Dry Cleaning Facility Release Trust Fund (DFRTF). Reimbursement will be made in two installments to be paid in full no later than July 2005.

Motion--
--carried

Mayans moved that the project and accept the reimbursement from KDHE be approved. Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 24, 2004.

Bids were opened May 21, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Rehab, joint repair and mill & overlay Main Street from Douglas to 3rd and from Central to Murdock; Totally replace Main Street from 3rd to Central - Main Street from Douglas to Murdock. (472-83811/448-89816/706864/634030/203330/773201) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Ritchie Paving - \$1,048,701.74

Storm Water Sewer #598 to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83728/751356/485247) Does not affect existing traffic. (District V)

Nowak Construction - \$146,024.00

34th Street North from the south line of Lot 1, Block A, east to the south line of Lot 16, Block A; Lang, from Tyler Road east to the north line of Lang Circle; Lake Ridge from the north line of Lang Circle north to the north line of the plat; Lake Ridge Court from Lake Ridge east and south to and including two cul-de-sacs to serve Lots 25 through 57, Block B; Lake Ridge Court from Lake Ridge east to and including the cul-de-sac to serve Lots 58 through 67, Block B; and Lang Circle from Lang east to and including the cul-de-sac; Sidewalk on one side of Lang, 34th Street North, and Lake Ridge to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (472-83878/765839/490950) Does not affect existing traffic. (District V)

Ritchie Paving - \$336,341.90

Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89822/735191/470861) Does not affect existing traffic. (District II)

WBW Contractors - \$29,864.00

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Root control Herbicide.

Dukes Sales & Service - \$90,000.00* (Group 1 total net bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: Grass Seed.

U.S. Turf - \$5,865.00* (Group 1 total net bid)

*Refer to Purchasing Manager for award

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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(Item 5.)
CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Kulwinder Jaswal	Petro America #2	802 North West Street
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Vivian Le	Pho Binh Minh Restaurant*	1721 North Broadway
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Manot Patel	Anand LLC	4003 South Broadway
<u>Special Event</u>	<u>June 11-12, 2004</u>	
Willie Shew	Big Dog Motorcycles	1600 and 1620 East Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Council Member Lambke Council Member Lambke asked why Big Dog Motorcycles would be asking for a CMB permit.

Council Member Brewer Council Member Brewer explained that it was for a special event, which would only be for one or two days.

Motion-- Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion
--carried carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Rock Road, 21st Street North to 29th Street North - 87N-0197-01/472-83889/706874/204340). Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$2,500,000
- b) Maize Court from the west line of Maize Road to and including cul-de-sac to serve Lots 1 through 12, Block C to serve Southern Ridge Addition - south of Pawnee, west of Maize. (472-83956/765860/490971) Does not affect existing traffic. (District V) - \$119,000
- c) 27th Street South from the west line of McLean Boulevard to the east line of Exchange Place to serve Kingston Cove 2nd Addition - south of Pawnee, east of Seneca. (472-83860/765831/490942) Does not affect existing traffic. (District IV) - \$155,000
- d) Storm Water Drain #208 to serve Harvest Ridge Addition - north of K-42, west of Maize. (468-83662/751351/485242) Does not affect existing traffic. (District V) - \$191,000
- e) Water distribution system to serve Hinkle's Addition - south of 29th Street North, east of Woodlawn. (448-89932/735190/470860) Does not affect existing traffic. (District I) - \$42,000
- f) Storm Water Drain #227 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83792/751364/485255) Does not affect existing traffic. (District II) - \$330,000

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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COST STATEMENTS STATEMENTS OF COST:

a) Park Paths and Sidewalk Improvements 2003. Total Cost - \$39,131.09 (plus temporary note financing - \$58.52; plus idle fund interest - \$241.65; less gain from sale of investments - \$45.02; less financing previously issued - \$0). Financing to be issued at this time - \$39,386.24 (785036/393-168).

Partial Statements of Cost:

b) (First Partial) Estimate of Cost for constructing a Skate Park 2002- \$45,500; less financing previously issued - \$0. Financing to be issued at this time - \$45,500. (785027/392-159).

c) (Third Partial) Estimate of Cost for improving Garvey Park 2002- \$283,500; less financing previously issued - \$26,800. Financing to be issued at this time - \$256,700. (785031/392-163).

d) (Second Partial) Estimate of Cost for improving Park Facilities Renovations 2003- \$360,000; less financing previously issued - \$275,000. Financing to be issued at this time - \$85,000. (785037/393-169).

e) (Second Partial) Estimate of Cost for constructing the Adult Soccer Fields 2003- \$274,100; less financing previously issued - \$260,000. Financing to be issued at this time - \$14,100. (785039/393-171).

f) (First Partial) Estimate of Cost for improving Park Athletic Courts, Parking Lots, Entry Drives and Lighting 2004- \$28,000; less financing previously issued - \$0. Financing to be issued at this time - \$28,000 (785041/394-173).

g) (First Partial) Estimate of Cost for improving Park Facilities Renovations 2004- \$65,000; less financing previously issued - \$0. Financing to be issued at this time - \$65,000 (785042/394-174).

Motion--carried

Mayans moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

EQUUS BEDS EQUUS BEDS AQUIFER STORAGE AND RECOVERY, PHASE I. – SUPPLEMENTAL.

Agenda Report No. 04-0535

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project. On Nov. 5, 2002, the City Council approved Supplemental Agreement No. 1 for additional archeological services necessary to evaluate the impact of the discovery of a prehistoric artifact. March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies. Supplemental Agreement No. 3 was approved on April 1, 2003 to allow drilling of additional test holes at the proposed sites for recharge basins.

Phase I of the ASR Project includes the construction of seven diversion wells adjacent to the Little Arkansas River. The purpose of the wells is to capture excess flow in the river that can be used to recharge the aquifer at other sites. Test wells have been constructed at seven sites, and the arsenic level in the existing groundwater exceeds the current drinking water standards in several of the wells. The potential exists that the arsenic levels may be lower at sites a little further upstream from the existing seven test wells.

Supplemental Agreement No. 4 will be used to drill two additional test wells to determine if arsenic levels are lower at the alternative sites. The City will be required to treat all water used to recharge the

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aquifer to meet drinking water standards, and if these alternative sites have lower arsenic levels, there would be a substantial decrease in the cost to treat the water.

The additional cost of drilling two test wells and analyzing additional data will not exceed \$18,789. Funding for this project is included in CIP W-549 (Water Supply Plan Phase III) that has available funds of over \$7.6 million.

City Council approval is required for Agreements over \$10,000. The Law Department has reviewed and approved the Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 18, 2004)

- a) Building condemnations.

ORDINANCE NO. 46-180

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) ZON2003-76 - located on the north side of Pawnee, east of Webb Road. (District II)

ORDINANCE NO. 46-182

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2003-76

- c) A04-14 - located to the southeast of the intersection of Hillside and 53rd Street North. (District I)

ORDINANCE NO. 46-184

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A04-14

- d) A04-15 - generally located to the northwest of the intersection of Ridge Road and 37th Street North. (District V)

ORDINANCE NO. 46-185

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A04-15

- e) A04-16 - generally located to the northwest of the intersection of West Street and MacArthur Road. (District VI)

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ORDINANCE NO. 46-186

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A04-16

Motion--

Mayans moved that the City Council recess into Executive Session to consider: Personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 10:00 a.m. and reconvene in the President's Room in the Casado Center of Friend's University. Motion carried 7 to 0.

--carried

RECONVENE

At 10:02 a.m. the Council reconvened in the President's Room in the Casado Center of Friend's University. Mayor Mayans announced that no action was taken and Moved to adjourn the Executive Session. Motion carried 7 to 0.

WORKSHOP

The Council recessed into workshop at 10:03 a.m.

Motion--

Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: legal advice; preliminary discussions relating to the acquisition of real property for public purposes and matters relating to security of public bodies or agencies, public buildings or facilities, or information systems and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the President's Room in the Casado Center of Friend's University. Motion carried 6 to 0, (Lambke absent).

RECONVENE

At 1:46 p.m. the Council returned from Executive Session and reconvened in the President's Room in the Casado Center of Friend's University and Mayans moved to extend the Executive Session until 2:05 p.m. Motion carried 6 to 0, (Lambke absent).

RECONVENE

At 2:07 p.m. the Council returned from Executive Session and reconvened in the President's Room in the Casado Center of Friend's University and Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to close the Executive Session. Motion carried 6 to 0, (Lambke absent).

RECESS

The Council recessed back into workshop.

Karen Sublett
City Clerk